

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

SCRIBNER-SNYDER COMMUNITY  
SCHOOLS,

Plaintiff,

vs.

TRANE U.S. INC.,

Defendant.

**8:21CV483**

**FINAL PROGRESSION ORDER  
(AMENDED)**

IT IS ORDERED the Plaintiff's unopposed motion to extend the final progression order ([Filing No. 20](#)) is granted. The unexpired deadlines in the final progression order ([Filing No. 12](#)) are amended is as follows:

- 1) The trial and pretrial conference will not be set at this time. The status conference currently set for December 6, 2022 at 11:00 a.m. is continued to **March 7, 2023 at 11:00 a.m.** The status conference to discuss case progression, the parties' interest in settlement, and the trial and pretrial conference settings will be held with the undersigned magistrate judge by telephone. Counsel shall use the conferencing instructions assigned to this case to participate in the conference.
- 2) The deadline for completing written discovery under Rules 33, 34, 36 and 45 of the Federal Rules of Civil Procedure is October 17, 2022. Motions to compel written discovery under Rules 33, 34, 36, and 45 must be filed by October 31, 2022.

**Note:** A motion to compel, to quash, or for a disputed protective order shall not be filed without first contacting the chambers of the undersigned magistrate judge to set a conference for discussing the parties' dispute.

- 3) The deadlines for identifying expert witnesses expected to testify at the trial,

(both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For Plaintiff: November 14, 2022.

For Defendant: December 14, 2022.

Plaintiff's rebuttal: December 28, 2022.

- 4) The deadlines for complete expert disclosures for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For Plaintiff: December 14, 2022.

For Defendant: January 13, 2023.

Plaintiff's rebuttal: January 27, 2023.

- 5) The deposition deadline, including but not limited to depositions for oral testimony only under Rule 45, is February 27, 2023.

a. The maximum number of depositions that may be taken by the plaintiffs as a group and the defendants as a group is 7.

b. Depositions will be limited by Rule 30(d)(1), except as agreed to by the parties with respect to individual witnesses.

- 6) The deadline for filing motions to dismiss and motions for summary judgment is March 20, 2023.

- 7) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is March 20, 2023.

- 8) Motions in limine shall be filed seven days before the pretrial conference. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.

- 9) The parties shall comply with all other stipulations and agreements recited in their Rule 26(f) planning report that are not inconsistent with this order.

- 10) All other deadlines in the court's prior case progression order are unchanged. All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered

absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 12th day of July, 2022.

BY THE COURT:

s/ Cheryl R. Zwart

United States Magistrate Judge